## SUPERIOR COURT OF THE STATE OF DELAWARE

VIVIAN L. RAPPOSELLI JUDGE NEW CASTLE COUNTY COURTHOUSE 500 NORTH KING STREET, SUITE 10400 WILMINGTON, DE 19801-3733 TELEPHONE (302) 255-0626

November 1, 2013

Periann Doko, DAG Delaware Department of Justice 820 North French Street, 7<sup>th</sup> Floor Wilmington, DE 19801 Ross C. Karsnitz, Esquire Assistant Public Defender 900 North King Street Wilmington, DE 19801

Re: State of Delaware v. Richard A. Williams

ID# 1210010765

Dear Counsel:

Defendant filed a Motion to File Motion to Suppress Out of Time on October 29, 2013. The State submitted its response on November 1, 2013. Trial in this matter is scheduled for November 14, 2013.

This Court only considers late-filed motions to suppress upon a showing that "exceptional circumstances prevented the filing of a timely motion." In nearly a full year since Defendant was indicted, there have been no previous attempts to raise the suppression issue. Defendant has not alleged that the delay is warranted by the existence of any new evidence. While the Court is sympathetic to prior defense counsel's significant health issues, Defendant's contention that these medical reasons "may have interfered with his ability to file" a suppression motion does not satisfy the above standard. This is especially true given that this matter has been scheduled seven times and defense counsel has had ample opportunities to file pre-trial motions, and elected not to do so.

Accordingly, Defendant's Motion to File Motion to Suppress Out of Time is **DENIED.** 

Very truly yours,

/s/Vivian L. Rapposelli Judge Vivian L. Rapposelli

VLR/si

<sup>&</sup>lt;sup>1</sup> Davis v. State, 38 A.3d 278, 281 (Del. 2012).

Re: Andre L. Ramsey Page 2

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